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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/769,698	01/30/2004	Zong-Qiu Su	USP2335C-DRSH	8608

30265 7590 01/26/2007
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EXAMINER

MULCAHY, PETER D

ART UNIT	PAPER NUMBER
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1713

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/26/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/769,698

Applicant(s)

SU, ZONG-QIU

Examiner

Peter D. Mulcahy

Art Unit

1713

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 October 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 27-49 is/are pending in the application.
- 4a) Of the above claim(s) 46-49 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 27-45 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 27-45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hagiwara et al. US 6,878,766.
3. The rejection set forth under 35 USC 103 in the paper mailed 3/24/06 is deemed proper and is herein repeated. The newly presented claims and remarks filed in support thereof have been fully considered and fail to obviate the rejection.

Response to Arguments

4. Applicants argue that the alleged differences (a)-(p) are unobvious and that the claims are patentable over the cited references. These alleged differences do not support the patentability of the claimed invention for at least the following reasons:

(a). The use as isoprene is obvious from this disclosure. Column 2 line 61 clearly identifies isoprene. The fact that 1,3-butadiene is used in the examples does not render isoprene any less obvious. The disclosure is not limited by the examples and is understood for what it reasonably teaches. One of ordinary skill is directed to use of isoprene. One of ordinary skill further understands the difference between isoprene and 1,3-butadiene. As such, isoprene is obvious.

(b). The copolymerization with the claimed monomers is taught at column 3 lines 60-64.

(c). The preparation of the aqueous emulsion using a free radical system is conventional, extensively discussed at column 5 lines 1+ and shown in the examples.

(d). The incorporation of the acid monomers claimed is taught at column 3 lines 40+.

(e). The process steps of charging, reacting, adding and reacting read on a continuous polymerization process which is conventional and is described at column 5 lines 53-60 and column 6 lines 1+ and shown in the examples.

(f). The use of emulsifiers is conventional and described at column 4 line 58-60. The emulsifier species claimed are conventional and described in this paragraph as well.

(g). The claimed amount of emulsifier is conventional and described at column 4 lines 60-63.

(h). The claimed redox initiation system is conventional and described at column 4 line 64 to column 5 line 29.

(i). The use of a "co-reductant" and the species of reducing agent reads on the species of reducing agents are conventional and identified at column 5 lines 17-21. The complexing agent and precipitating agents claimed are conventional and described in the paragraph cited supra as well as the examples.

(j). The claimed vulcanization auxiliaries are conventional and described at column 6 lines 50+, as well as the examples.

(k). The coagulant is conventional and discussed at column 7 lines 55+, as well as the examples.

(l). The drying step is conventional and taught at column 8 lines 20-24, as well as the examples.

(m). Moot, as claim 46 is withdrawn per the restriction requirement and election in response thereto.

(n). Moot, as claim 47 is withdrawn per the restriction requirement and election in response thereto.

(o). Moot, as claim 48 is withdrawn per the restriction requirement and election in response thereto.

(p). Moot, as claim 49 is withdrawn per the restriction requirement and election in response thereto.

Election/Restrictions

4. Claims 46-49 stand withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 10/23/06.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

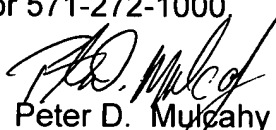
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter D. Mulcahy whose telephone number is 571-272-1107. The examiner can normally be reached on Mon.-Fri. 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wu can be reached on 571-272-1114. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Peter D. Mulcahy
Primary Examiner
Art Unit 1713

1/20/07